

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

1. (currently amended) A negative electrode for a nonaqueous secondary battery, comprising:

a current collector; [[and]]

an active material ~~structure~~ layer on the current collector, the active material layer containing an electroconductive material having [[low]] a first capability of forming a lithium compound on ~~at least~~ one side of the current collector, the active material ~~structure~~ layer containing 5 to 80% by weight of active material particles containing a material having a ~~higher~~ second capability of forming a lithium compound that is greater than the first capability;[[,]] and

~~wherein the active material structure has an active material layer containing the active material particles and~~

a surface coating layer located on and completely covering the active material layer, so that falling off as a result of pulverization due to intercalation and deintercalation of lithium is prevented, and the surface coating layer has a polycrystalline structure with a large number of micropores extending in a thickness direction normal to a plane of the surface coating layer and allowing a nonaqueous electrolyte to pass therethrough.

2. (canceled)

3. (currently amended) The negative electrode for a nonaqueous secondary battery according to claim 1, wherein the material having the ~~higher~~ second capability of forming a lithium compound is tin or silicon.

4. (previously presented) The negative electrode for a nonaqueous secondary battery according to claim 1, wherein the active material layer contains 0.1 to 20% by weight of an electro-conductive carbon material in addition to said active material particles.

5. (previously presented) The negative electrode for a nonaqueous secondary battery according to claim 1, wherein the material constituting the surface coating layer enters the active material layer or reaches the current collector.

6. (previously presented) The negative electrode for a nonaqueous secondary battery according to claim 1, wherein the material constituting the surface coating layer penetrates throughout the active material layer.

7. (canceled)

8. (original) The negative electrode for a nonaqueous secondary battery according to claim 3, wherein the active material particles are particles of single silicon or single tin.

9. (withdrawn) The negative electrode for a nonaqueous secondary battery according to claim 3, wherein the active material particles are mixed particles comprising at least silicon or tin and carbon, the mixed particles containing 10 to 90% by weight of silicon or tin and 10 to 90% by weight of carbon.

10. (withdrawn) The negative electrode for a nonaqueous secondary battery according to claim 3, wherein the active material particles are mixed particles comprising silicon or tin and a metal, the mixed particles containing 30% to 99.9% by weight of silicon or tin and 0.1 to 70% by weight of at least one element selected from the group consisting of Cu, Ag, Li, Ni, Co, Fe, Cr, Zn, B, Al, Ge, Sn (except for a case where the active material particles contain tin), Si (except for a case where the active material particles contain silicon), In, V, Ti, Y, Zr, Nb, Ta, W, La, Ce, Pr, Pd, and Nd.

11. (withdrawn) The negative electrode for a nonaqueous secondary battery according to claim 3, wherein the active material particles are silicon compound particles or tin

compound particles, the silicon compound particles or the tin compound particles containing 30% to 99.9% by weight of silicon or tin and 0.1 to 70% by weight of at least one element selected from the group consisting of Cu, Ag, Li, Ni, Co, Fe, Cr, Zn, B, Al, Ge, Sn (except for a case where the active material particles contain tin), Si (except for a case where the active material particles contain silicon), In, V, Ti, Y, Zr, Nb, Ta, W, La, Ce, Pr, Pd, and Nd.

12. (withdrawn) The negative electrode for a nonaqueous secondary battery according to claim 3, wherein the active material particles are mixed particles comprising silicon compound particles or tin compound particles and metal particles,

the mixed particles containing 30% to 99.9% by weight of silicon compound particles or tin compound particles and 0.1 to 70% by weight of particles of at least one element selected from the group consisting of Cu, Ag, Li, Ni, Co, Fe, Cr, Zn, B, Al, Ge, Sn (except for a case where the active material particles contain tin), Si (except for a case where the active material particles contain silicon), In, V, Ti, Y, Zr, Nb, Ta, W, La, Ce, Pr, Pd, and Nd, and

the compound particles containing 30% to 99.9% by weight of silicon or tin and 0.1 to 70% by weight of at least one element selected from the group consisting of Cu, Ag, Li, Ni, Co, Fe, Cr, Zn, B, Al, Ge, Sn (except for a case where the active material particles contain tin), Si (except for a case where the

active material particles contain silicon), In, V, Ti, Y, Zr, Nb, Ta, W, La, Ce, Pr, Pd, and Nd.

13. (withdrawn) The negative electrode for a nonaqueous secondary battery according to claim 3, wherein the active material particles are single silicon or single tin particles coated with a metal, the metal being at least one element selected from the group consisting of Cu, Ag, Ni, Co, Fe, Cr, Zn, B, Al, Ge, Sn (except for a case where the active material particles contain tin), Si (except for a case where the active material particles contain silicon), In, V, Ti, Y, Zr, Nb, Ta, W, La, Ce, Pr, Pd, and Nd, and the active material particles containing 70% to 99.9% by weight of silicon or tin and 0.1 to 30% by weight of the metal.

14. (previously presented) The negative electrode for a nonaqueous secondary battery according to claim 1, wherein the active material particles have a maximum particle size of 50 μm or smaller and no larger than 50 μm .

15. (previously presented) The negative electrode for a nonaqueous secondary battery according to claim 1, wherein the active material particles contain silicon and have an average particle size of 0.1 to 10 μm in terms of D_{50} and an oxygen concentration of less than 2.5% by weight, an outermost surface

of the active material particles having a silicon concentration of higher than half of an oxygen concentration of the outermost surface.

16. (previously presented) The negative electrode for a nonaqueous secondary battery according to claim 1, wherein the surface coating layer contains at least one element selected from the group consisting of Cu, Ag, Ni, Co, Cr, Fe, and In.

17. (previously presented) The negative electrode for a nonaqueous secondary battery according to claim 1, wherein the surface coating layer is formed by electroplating.

18. (previously presented) The negative electrode for a nonaqueous secondary battery according to claim 1, wherein the surface coating layer is formed by sputtering, chemical vapor deposition or physical vapor deposition.

19. (previously presented) The negative electrode for a nonaqueous secondary battery according to claim 1, wherein the surface coating layer is formed by rolling an electro-conductive foil.

20. (original) The negative electrode for a nonaqueous secondary battery according to claim 19, wherein the

electro-conductive foil is a metal foil or an electro-conductive plastic foil.

21. (previously presented) The negative electrode for a nonaqueous secondary battery according to claim 1, wherein the active material layer is formed by applying a slurry containing the active material particles to a surface of the current collector.

22. (previously presented) The negative electrode for a nonaqueous secondary battery according to claim 1, wherein the surface coating layer has a thickness of 0.3 to 50 μm , and the active material layer has a thickness of 1 to 100 μm .

23. (previously presented) The negative electrode for a nonaqueous secondary battery according to claim 1, wherein the surface coating layer has a thickness of 0.3 to 50 μm , and the active material structure has a thickness of 2 to 100 μm .

24. (previously presented) The negative electrode for a nonaqueous secondary battery according to claim 1, wherein the surface coating layer has a thickness of 0.3 to 50 μm , and the electrode has a total thickness of 2 to 200 μm .

25. (original) The negative electrode for a nonaqueous secondary battery according to claim 1, wherein the current collector has a large number of micropores of 0.01 to 200 μm in diameter at a density of 5 to 10000 pores per cm^2 and has a thickness of 1 to 100 μm .

26. (previously presented) The negative electrode for a nonaqueous secondary battery according to claim 1, wherein the current collector is formed of punching metal or expanded metal, each having a large number of openings each having an opening area of 0.0001 to 4 mm^2 or is formed of metal foam.

27. (original) The negative electrode for a nonaqueous secondary battery according to claim 1, wherein the current collector is formed of electrolytic metal foil.

28. (withdrawn) A process of producing the negative electrode for a nonaqueous secondary battery of claim 4, which comprises applying a slurry comprising the active material particles, the electro-conductive carbon material, a binder, and a diluting solvent to a surface of the current collector, drying the coating to form the active material layer, and electroplating the active material layer with the electro-conductive material having low capability of forming a lithium compound to form the surface coating layer.

29. (withdrawn) A process of producing the negative electrode for a nonaqueous secondary battery of claim 4, which comprises applying a slurry comprising the active material particles, the electro-conductive carbon material, a binder, and a diluting solvent to a surface of the current collector, drying the coating to form the active material layer, and depositing the electro-conductive material having low capability of forming a lithium compound on the active material layer by sputtering, chemical vapor deposition or physical vapor deposition to form the surface coating layer.

30. (withdrawn) A process of producing the negative electrode for a nonaqueous secondary battery of claim 25, which comprises forming a coat of a material different from the material making up the current collector on a carrier foil to a thickness of 0.001 to 1 μm , electroplating the carrier foil having the coat with the material making up the current collector to form the current collector, applying a slurry comprising the active material particles, the electro-conductive carbon material, a binder, and a diluting solvent to a surface of the current collector, drying the coating to form the active material layer, electroplating the active material layer with the electro-conductive material having low capability of forming a lithium compound to form the surface coating layer, and separating the current collector from the carrier foil.

31. (original) A nonaqueous secondary battery having the negative electrode for a nonaqueous secondary battery according to claim 1.